

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER JAMES,

Petitioner,

v.

BLAINE LAFLER,

Respondent.

Case No. 07-14078

Honorable David M. Lawson

Magistrate Judge Paul J. Komives

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DENYING THE PETITIONER'S
APPLICATION FOR WRIT OF HABEAS CORPUS**

Presently before the Court is the report issued on December 17, 2009 by Magistrate Judge Paul J. Komives pursuant to 28 U.S.C. § 636(b), recommending that the Court deny the petitioner's application for the writ of habeas corpus, grant the certificate of appealability with respect to the petitioner's sufficiency-of-evidence claim, and deny the certificate of appealability with respect to the remaining claims. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The party's failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 13] is **ADOPTED**.

It is further **ORDERED** that the petitioner's application for issuance of writ of habeas corpus [dkt. # 1] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 6, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 6, 2010.

s/Teresa Scott-Feijoo
TERESA SCOTT-FEIJOO